

LAW OFFICES OF JOEL B. RUDIN, P.C.

CARNEGIE HALL TOWER
152 WEST 57TH STREET
EIGHTH FLOOR
NEW YORK, NEW YORK 10019

TELEPHONE: (212) 752-7600
FACSIMILE: (212) 980-2968
E-MAIL: jbrudin@rudinlaw.com

DAVID S. KEENAN
(OF COUNSEL)
THELONIOUS COLEMAN
(PARALEGAL)

JOEL B. RUDIN
JACOB "COBY" LOUP
DAVID E. RUDIN

March 19, 2023

BY ECF

Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Fraser v. City of New York, et al.*, No. 20-cv-04926 (CM)

Dear Judge McMahon:

I write on behalf of Plaintiff, Jawaun Fraser, to call to the Court's attention that the verdict sheet provides the potential for different actual damages awards for each Defendant found liable, when there is joint and several liability and usually one award for all liable defendants. *See Rodick v. City of Schenectady*, 1 F.3d 1341, 1348 (2d Cir.1993); *Aldrich v. Thomson McKinnon Securities, Inc.*, 756 F.2d 243, 248 (2d Cir. 1985). Ordinarily the defense objects to such verdict sheets. Our interest is in avoiding an ambiguous result.

Punitive damages, of course, should remain individualized.

In addition, we strongly object to the box for nominal damages on the verdict sheet, where the Court has already correctly held that nominal damages are unsupported by the evidence. This elevates an obviously improper result to equal status with a proper result and could encourage the jurors to err.

The verdict sheet also highlights that the Court's instruction omits an instruction on joint and several liability, which presumably should be given.

I apologize for the lateness of this submission.

Respectfully submitted,

/s/

Joel B. Rudin

cc: Brian Francolla
Caroline McGuire
New York City Law Department

LAW OFFICES OF JOEL B. RUDIN, P.C.

Honorable Colleen McMahon

March 18, 2023

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Special Federal Litigation Division

100 Church Street

New York, NY 10007

Counsel for Defendants

Michael L. Bloch

Benjamin D. White

Cristina Alvarez

Bloch & White LLP

152 W 57th Street, 8th Floor

New York, NY 10019

Co-Counsel for Plaintiff Jawaun Fraser